

9-24-64

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Do not use this form for a collection of information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request
For
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/882,320
<i>Filing Date</i>	June 15, 2001
<i>First Named Inventor</i>	Carver et al.
<i>Art Unit</i>	3732
<i>Examiner Name</i>	Pedro Philogene
<i>Attorney Docket Number</i>	5490-000216

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b. Enclosed

i. Amendment/Reply

ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)

iv. Other _____

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.08-0750

i. RCE fee required under 37 C.F.R. 1.17(e)

ii. Extension of time fee (37 C.F.R. 1.136 and 1.17)

iii. Other Any deficiency for a fee required under 37 CFR 1.16 or 1.17.

b. Check in the amount of \$ 770.00 enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

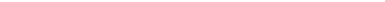
EV 531 989 977

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Richard W. Warner	Registration No. (Attorney/Agent)	38,043
Signature		Date	Sept. 23, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Patent and Trademark Office on the date shown below.			
Name (Print /Type)	Richard W. Warner	Express Mail Label No.	EV 531 989 977 US (9/23/2004)
Signature		Date	Sept. 23, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/24/2004 STEUMEL1 00000085 09882320
01 EC:18801 770-00 08



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/882,320

Filing Date: June 15, 2001

Applicant: Carver, et al.

Group Art Unit: 3732

Examiner: Pedro Philogene

Title: INTERPHALANGEAL FUSION PIN

Attorney Docket: 5490-000216

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed 6/24/2004, please consider this response and amendment to the application with the Request for Continued Examination and consider the remarks set forth below.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 10 of this paper.